zIN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.11738 of 2006

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Dated: June 15, 2006

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Between:

G. Dasaradha Achari, S/o. Pullachari, aged
about 41 years, R/o. D.No.8-364, P.N. Road,
Kothapeta, Srikalahasthi, Chittoor District.

… Petitioner

And

The Forest Range Officer,
Srikalahasthi, Chittoor District, and four others.

… Respondents

Order:

The petitioner was initially granted sawmill licence in 1999 under A.P. Saw Mills (Regulation) Rules, 1969, framed under Andhra Pradesh Forest Act, 1967, and it was renewed till 2003. As there was delay in submitting application for renewal of licence for the year 2004, the second respondent issued Proceedings Rc.No.628/04 dated

10-05-2004 cancelling the licence granted to the petitioner stating that the application was not submitted in time and the petitioner was advised to obtain a fresh licence. Thereafter, petitioner submitted an application to the first respondent for grant of fresh licence, and the same was forwarded to the second respondent, but the second respondent rejected the application of the petitioner in view of the judgment of the Hon'ble Supreme Court of India dated 16-11-2002, passed in W.P.No.202 of 1995. In the aforesaid order, the Apex Court while dealing with the permits granted to sawmills in the states of Nagaland, Karnataka, etc. has issued directions to all the State Governments and Union Territories not to grant permissions for opening of any sawmills, veneer or plywood industry without prior permission of the Central Empowered Committee.

2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

3. As much as there is no absolute prohibition for grant of licence and in view of the directions issued by the Apex Court, it is permissible for the licencing authority to consider the applications for grant of permission subject to permission by the Central Empowered Committee constituted by the Ministry of Environment and Forest, Government of India. As much as the petitioner was initially granted licence in 1994 and it was renewed from time to time and the same was cancelled by referring to the directions of the Apex Court and as there is no absolute prohibition, I dispose of the writ petition directing the second respondent, the Divisional Forest Officer to refer the case of the petitioner within a period of four weeks from the date of receipt of a copy of this order, for consideration as to permission by the Central Empowered Committee constituted by the Ministry of Environment and Forests, Government of India, under the provisions of sub-section (3) of the Environment (Protection) Act, 1986, by notification dated

17-09-2002, for grant of licence/renewal of licence granted under A.P. Saw Mills (Regulation) Rules, 1969. Subject to the orders that may be passed as to permission by the Central Empowered Committee, the Divisional Forest Officer shall take steps for restoration of the licence in case the Central Empowered Committee approves for grant of such licence in favour of the petitioner. No costs.

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JUSTICE R. SUBHASH REDDY.

June 15, 2006

MRR